

AG Contract No. KR99-087 RN
ADOT ECS File No. JPA 99-66
Project: H4477 01D/01C 99-66
Section: SR-80

POSTED
DATE _____
GERRY RUSSELL
AUG 17 1999

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF DOUGLAS

This agreement supercedes that certain agreement between the State and the City known as JPA 94-111, together with amendments, dated 17 November 1994, and filed with the Arizona Secretary of State under number 19164

THIS AGREEMENT is entered into 10 AUGUST, 1999, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF DOUGLAS, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401, 9-240 and 11-952 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to design and construct a SR-80 realignment from I Avenue to the East City limits in the City, which will generally follow the Pan American highway alignment, as shown on Exhibit A which is attached hereto and made a part hereof, at a total currently estimated cost of \$6,250,000.00, including right-of-way acquisition, design, construction and construction engineering, all at State expense, hereinafter referred to as the Project. Upon completion of the Project and the construction of pavement preservation activities, the State will abandon ownership and maintenance jurisdiction of (old) SR-80 from the new US-191B intersection to the new intersection of A Avenue and SR-80, to the City.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:
=====

NO 23453
Filed with the Secretary of State
Date Filed: 08/10/99
Petrey Bayless
Secretary of State
By Dick V. Haennewool

II. SCOPE OF WORK

1. The City will:

a. Provide to State standards design plans, right-of-way plans, specifications and such other documents and services required for the Project, suitable for construction bidding and construction. Incorporate or resolve State review comments.

b. Acquire any additional required right-of-way for the Project and transfer it to the State.

c. Pursuant to A.R.S. 28-6923 call for bids and upon approval of the State Transportation Board and City Mayor and Council, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the State on any Project related contract modifications or "force account" work. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

d. No more often than monthly, invoice the State for the reasonable actual cost of the Project, with no profit or fee, in an amount currently estimated at \$6,250,000.00.

e. Upon completion of the (new SR-80) Project improvements and appropriate pavement preservation (to the old SR-80 by the State), accept ownership and maintenance jurisdiction for (old) SR-80 from the US-191B intersection to the A Avenue intersection, in the City as shown on Exhibit A. Waive the requirements of Arizona Revised Statute 28-7209 (formerly ARS 28-106).

2. The State will:

a. Review the design documents and provide comments.

b. Upon filing of this agreement with the Arizona Secretary of State, take the (new) SR-80 (Pan American Avenue) into the State highway system by resolution of the State Transportation Board.

c. Submit the bid for award to the State Transportation Board, and upon approval be responsible for the reasonable actual cost of the Project, to include Project design, right of way acquisition, construction and construction engineering, in an amount currently estimated at \$6,250,000.00, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the State. Upon completion and acceptance of the Project by the City and the State, and appropriate pavement preservation (to the old SR-80 by the State), and upon approval of and by resolution of the State Transportation Board, abandon ownership and maintenance jurisdiction of (old) SR-80 from the US-191B intersection to the A Avenue intersection, in the City as shown on Exhibit A.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007


City of Douglas
City Manager
425 10th Street
Douglas, AZ 85607

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

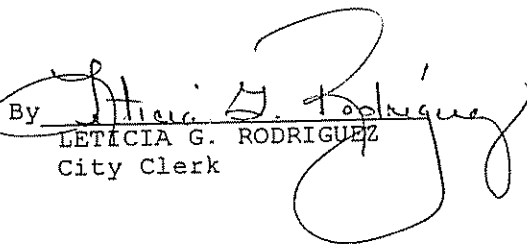
CITY OF DOUGLAS

STATE OF ARIZONA
Department of Transportation

By 
RAY BORANE
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

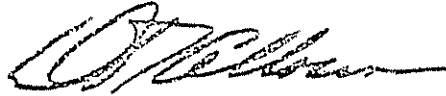
ATTEST

By 
LETICIA G. RODRIGUEZ
City Clerk

RESOLUTION

BE IT RESOLVED on this 14th day of June 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Douglas, for the purpose of defining responsibilities for the design and construction of improvements to a (new) SR-80 in the City, and the eventual turnback of (old) SR-80 to the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director



THE CITY OF DOUGLAS

425 TENTH STREET, DOUGLAS, ARIZONA 85607

TELEPHONE (520)364-7501
FAX (520) 364-7507

Leticia G. Rodriguez, C.P.M.
City Clerk

CERTIFICATION

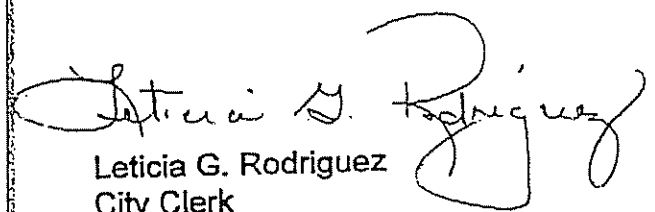
I Leticia G. Rodriguez, City Clerk of the City of Douglas, hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Council Meeting of the City of Douglas Mayor and City Council held on the 23rd Day of June 1999.

I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd Day of August 1999.

-SEAL-




Leticia G. Rodriguez
City Clerk
City of Douglas

"Douglas - the premier southwestern border community"

**CITY OF DOUGLAS
SPECIAL COUNCIL MEETING
JUNE 23, 1999**

9. DISCUSSION/DECISION ON APPROVAL TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF DOUGLAS FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE STATE ROUTE 80 (SR 80) REALIGNMENT PROJECT (ADOT JPA 99-66)

City Manager Ortega explained that this was basically the last agreement between the City and the State of Arizona for reimbursement of all costs associated with the State Route 80 realignment project. Mr. Ortega stated that this included right-of-way acquisition, construction management, and final construction of the project which totalled approximately 6.3 million dollars worth of construction.

Motion was made by Councilman Harry Ames, seconded by Councilman Quinonez to approve the Intergovernmental Agreement between the City of Douglas and the State of Arizona for reimbursement of costs associated with the State Route 80 and authorize the Mayor to sign the agreement.

Councilman Jordan inquired if he still had a conflict of interest, since the reimbursement included the purchase of properties needed for the realignment. City Attorney advised it still would be a conflict and Mayor Borane stated he also, had a conflict and therefore turned the meeting over to Mayor Pro-tem Quinonez.

Roll Call: All members of the Council voted yes, except Mayor Borane and Councilmember Ramon Jordan who declared a conflict of interest. **MOTION PASSED** to approve the IGA and at that time, Mayor Pro-tem Quinonez turned the meeting back to Mayor Borane.

10. DISCUSSION/DECISION ON APPROVAL TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA AND THE CITY OF DOUGLAS - 1ST STREET AND CUSTOMS AVENUE TO F AVENUE AND 5TH STREET, F AVENUE TO A AVENUE (ADOT JPA 99-90 & 99-91)

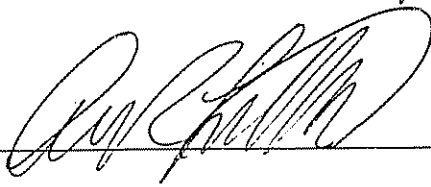
Motion by Councilman Quinonez, second by Councilman Ames to enter into an IGA with the State of Arizona for improvements to 1st Street and Customs Avenue to F Avenue and 5th Street F Avenue to A Avenue.

Roll Call: All members voted in favor. **MOTION PASSED.**

APPROVAL OF THE DOUGLAS CITY ATTORNEY

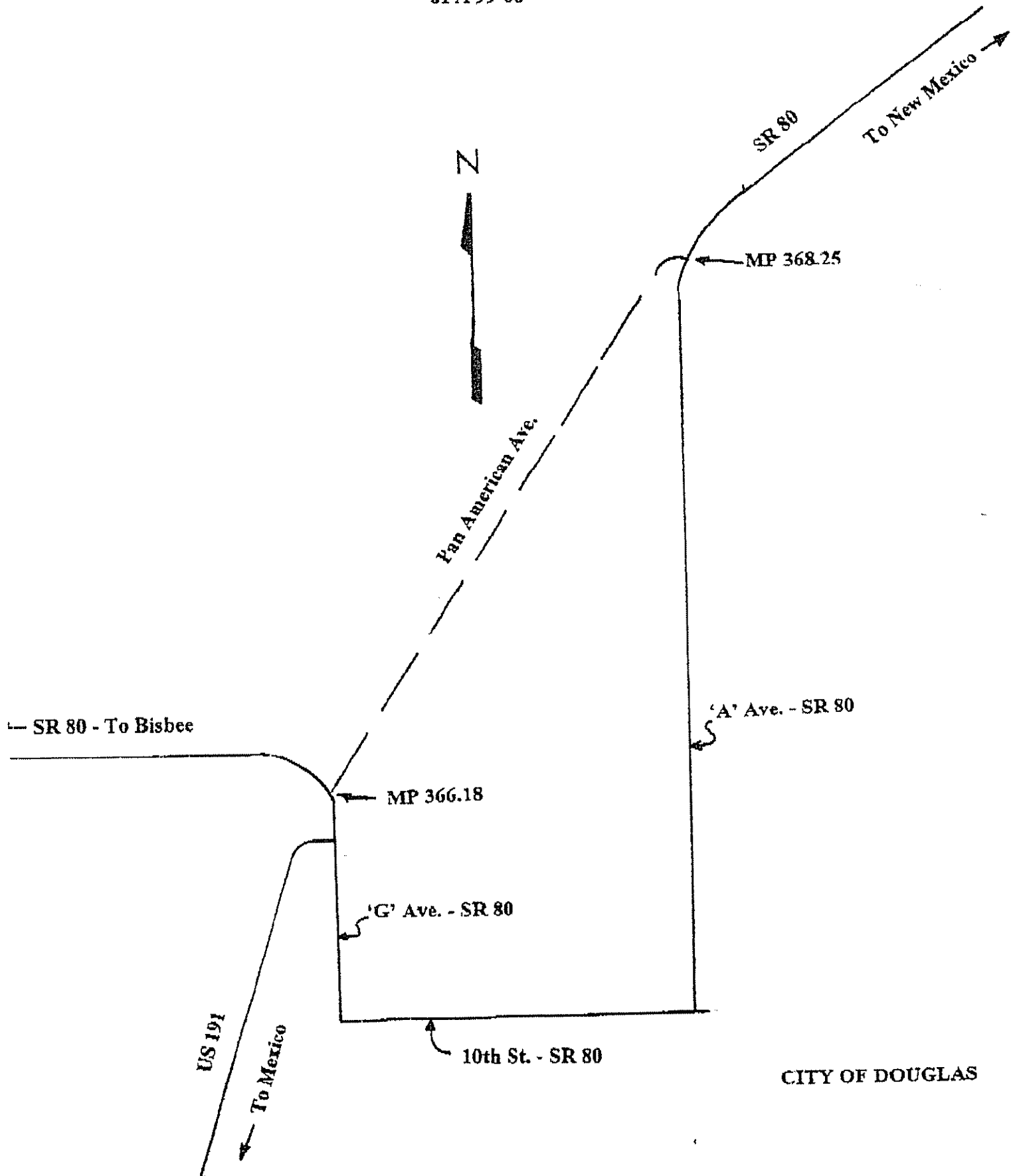
I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF DOUGLAS and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 17th day of June, 1999.



City Attorney

Exhibit "A"
JPA 99-66





STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-0871TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED August 6, 1999.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/81598

Enc.